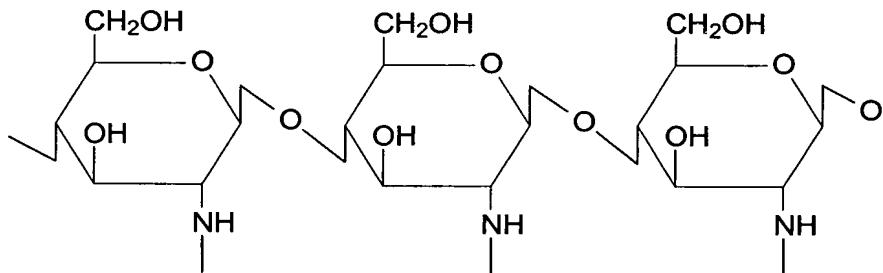


## REMARKS

The title of the invention and the specification have been amended as per the Examiner's suggestions. Claims 15-19, 21, 22, and 24 are pending in the application. Claims 20 and 23 have been cancelled. The claims have been amended to overcome the rejection under 35 U.S.C. § 112, second paragraph, and the prior art rejections under 35 U.S.C. §§ 102 and 103.

The amendments to the claims are supported in paragraphs 0022, 0024, 0029, and 0040 of the specification.

Accordingly, the claims now recite a method for treating oversprayed waterborne and solventborne paints in a paint spray booth that includes a circulating water system. The method comprises contacting the oversprayed paint with an aqueous composition containing a liquid concentrate composition. The liquid concentrate composition in turn comprises 2 to 40 percent by weight of a complex metal salt capable of flocculating the oversprayed paint, an aqueous solution having a viscosity of from about 200 to 3000 centipoise, of a compound having the following structure:



in an amount of 0.1 to 10 percent by weight, sufficient acid to render the compound soluble in water; and water. In a separate embodiment as recited in claim 19, the oversprayed paint is contacted with a dispersion including (i) an organic solvent component in water and (ii) the aqueous composition described above.

## Rejections

Claims 15-24 have been rejected under 35 U.S.C. 112, second paragraph, as being indefinite, with claims 15, 18, 19, and 23 specifically reciting indefinite language. The claims have been amended or cancelled to remove or clarify the offending language.

Claims 15-18 have been rejected under 35 U.S.C. 102(b) as being anticipated by Tanaka, JP 6-114210. The Tanaka patent discloses compositions and methods for treating

water-based paint mists. Applicants' claimed subject matter now recites a method for treating oversprayed waterborne and solventborne paint. There is no teaching or suggestion in the Tanaka patent that the compositions disclosed therein are capable of or suitable for treating solventborne paints. In fact, the reference teaches away from solventborne paints (see Tanaka, paragraph [0002]). In addition, even if Tanaka did disclose treatment of solventborne paints, there is no suggestion in the Tanaka patent of the use of liquid concentrate compositions as currently recited by the present claims. One skilled in the art would not be led by Tanaka to use a composition such as is recited in the instant claims to treat solventborne paint overspray. Tanaka does not teach treatment of solventborne paint overspray, nor does it teach the composition used in the process of the present invention. Therefore, reconsideration and withdrawal of the rejection under 35 U.S.C. 102(b) over Tanaka is respectfully requested.

Claims 19-23 have been rejected under 35 U.S.C. 103(a) over Tanaka in view of Brown et al. (US 5223141). The Examiner relies on Brown et al. for a teaching of phase separation in a method of removal and recovery of paint overspray. The Examiner asserts that it would have been obvious to a person of ordinary skill in the art to have modified the method of Tanaka to include phase separation as taught by Brown et al. for purposes of recycling and reusing both the organic solvent and the paint solvents. Further, one of ordinary skill in the art would have recognized the economical advantages of recovering and recycling both solvent and paint during the detackification process.

Applicants respectfully disagree with the Examiner's rejection and conclusions regarding claims 19-23 in light of the present amendment. As noted above, Tanaka neither teaches nor suggests the method of the present invention, i. e., a method for treating waterborne and solventborne paint overspray in a paint spray booth that includes a circulating water system, comprising contacting the oversprayed paint in the water system with an aqueous composition containing a liquid concentrate composition as recited in the instant claims. Brown et al. does nothing to overcome the fundamental deficiencies of Tanaka in teaching the present invention. There is no teaching or suggestion in Brown that any composition containing chitosan, let alone one derived from a liquid concentrate, would be effective for treating solventborne paint overspray. The references taken alone or in combination fail to teach the method of the present invention.

Claim 24 has been rejected under 35 U.S.C. 103(a) over Tanaka in view of Brown et al. and further in view of Harpel et al. (US 4504395). The Examiner relies on Harpel et al. for a teaching of the use of bentonite clays as an effective means for detackifying waterborne paints. The Examiner asserts that it would have been obvious to a person of ordinary skill in

the art to have modified the method of Tanaka to include bentonite clays for the purpose of enhancing paint detackification.

Applicants respectfully disagree with the Examiner's rejection of and conclusions regarding claim 24 in light of the present amendment. Harpel et al. does nothing to overcome the fundamental deficiencies of Tanaka in teaching the present invention. There is no teaching or suggestion in Harpel that any composition containing chitosan, much less one prepared from a liquid concentrate, would be effective for treating solventborne paint overspray. Moreover, while the Examiner notes that it is *prima facia* obvious to combine two compositions each taught by the prior art to be useful for the same purpose, in order to form a third composition which is to be used for the same purpose, the only common purpose taught by the references is detackifying waterborne paints. Therefore, even if one were to combine the teachings of the prior art to yield a composition containing both chitosan and bentonite, it would be understood to be suitable only for the purpose of detackifying waterborne paints, not solventborne paints. The references taken alone or in any combination fail to teach the method of the present invention.

In conclusion, it is believed that Applicants' claims as amended are patentable over the prior art and are in compliance with 35 U.S.C. 112, second paragraph. Therefore, reconsideration and withdrawal of the rejection of the claims is respectfully requested. If the Examiner feels that there are any issues unresolved, he is urged to contact Applicants' attorney undersigned below for a telephonic interview to resolve these issues.

Respectfully submitted,

  
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